

## *Septic systems*

# **New Septic Rules Would Allow Snug Harbor Expansion**

By SUSANNA SHEEHAN

Selectmen this week adopted revised regulations for the town's three shared septic systems at the Bluefish River, Snug Harbor, and Bay Rd.

The reason for the update was to better define user charges for both system construction and operation costs. The new rules also spell out how the town can allocate the unused excess capacity in the Snug Harbor shared septic system among those property owners who may want to expand.

In Snug Harbor, the shared, off-site wastewater collection system for commercial properties along Washington St. was created because organizations such as the Duxbury Yacht Club, Bayside Marine, and the shops and offices in the Sweetser's building could not meet the state's septic law, Title V. Since the system has gone on line, the Duxbury Maritime School and the town pier restrooms have been built.

This shared system was designed to handle almost 10,000 gallons of waste a day. Currently, the property owners use over 6,000 gallons a day, leaving almost 4,000 gallons in excess. The town wants to sell this unused excess capacity soon because it has been paying for it since the system began in 1997. Selling the excess would allow for expansion in Snug Harbor.

"It's a system built for the build-out of that entire district," Selectman Andre Martecchini said.

According to the town's consulting engineer, Liz Beardsley, new sections in the regulations explain that each property owner is given a wastewater flow allocation for which they must pay. They must stay within this allocation or, in the case of those in Snug Harbor, they may choose to buy some of the additional capacity.

Selectmen, acting as sewer commissioners, can assess "sewer privilege fees" if they grant increases to the wastewater flow allocations for any business that wants to expand in Snug Harbor. The sewer privilege fee was set at \$1 per gallon per day.

In the new rules, Beardsley said there is "nothing to preclude an owner from buying speculatively" in case they have plans to enlarge. However, any property's expansion could not exceed the wastewater flow limits set by Title V.

Also, owners of multiple parcels can apply as one group

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"They started off, 'If you can't meet code, then you're going to have to put in tight tank,'" said Cohasset health agent Joseph Godzik, referring to closed septic systems that require monthly pumping and are used where soils won't support a leaching field.

"That's turned around. Their attitude now is, 'let's try to work something out.' They're more flexible."

And now there's financial help as well.

Last year, the Legislature approved \$10 million to help low- and moderate-income residents comply with Title 5 rules. This month, the first of the \$100,000 grants will be released to 97 cities and towns. Carver, Hanson, Halifax and Pembroke are the only South Shore towns receiving money.

Struhs said Thursday that he is pledging an additional \$2 million to \$3 million to the Massachusetts Housing Finance Agency to help its borrowers make septic system repairs.

The Department of Environmental Protection this spring also set up a special revolving loan fund with \$50 million for communities that want to extend conventional sewers to problem areas. Cohasset and Hingham will receive some assistance for their project sometime after July 1.

And finally, the Legislature included \$30 million in an open space bond bill for Title 5 improvements. Of that, \$5 million will go to sewer projects and to promote the use of alternative septic technologies. How the rest will be spent hasn't been determined.

Hynes, the Marshfield legislator, wants even more relief.

He plans to introduce legislation to give tax breaks to homeowners faced with septic repairs, and eliminate mandatory inspections.

"I don't see that the uproar has subsided," Hynes said. "On the South Shore, the costs of complying with Title 5 systems is very, very high. Much higher than the DEP stated. The government in Massachusetts has done very little to address South Shore problems."

## The environmental benefits

The South Shore's coast is one of Massachusetts' most scenic areas. Yet despite years of cleanup efforts, some spots are still too polluted to swim or dig clams.

Statewide, more than 55,400 acres are closed to shellfishing directly or indirectly because of failing septic systems — a resource worth an estimated \$5 million annually.

Locally, sections of the North and South Rivers, Cohasset Harbor, the Bluefish and Jones Rivers, Plymouth Bay and the Upper Weir River are closed.

To be sure, septic systems aren't the only culprits.

Experts say that inadequate municipal sewage treatment plants, runoff through storm drains and animal waste also put bacteria into the water.

On Duxbury's Bluefish River, a snaking milelong stretch of water home to clipper ship boatyards 150 years ago, town officials pinpointed three 19th century buildings with failed septic systems.

With financial help from the MassBays program, the town is building a shared septic system in which waste from the buildings will be pumped to a leaching field under a church parking lot a quarter-mile away.

Conservation administrator Joe Grady expects the tidal river will be clean enough next year to reopen 85 acres of shellfish beds that contain an estimated seasonal harvest of \$244,000 worth of softshell clams.

In the nearby Snug Harbor commercial district, the town is setting up a similar shared system to pump waste from 12 businesses to a leaching field at a nearby golf course.

Under Title 5, communities are allowed to design these shared septic systems or other alternative disposal systems that can be cheaper than building conventional sewers.

The cost of both Duxbury projects is \$730,000, and work should be completed this summer. Business owners will pay for all of the Snug Harbor system. One-quarter of the Bluefish River project — about \$36,000 — will be funded through a 10 percent increase in shellfish license fees.

MassBays contributed \$30,000 for initial water quality testing and design of the system.

In places like the Bluefish River and other coastal areas, Title 5 is a blueprint for improving water quality, according to Debbie Lenahan, director of the North/South River Watershed Association.

"It's because of Title 5 that we'll start to see a difference," Lenahan said. "If people haven't been hit by it, they know somebody who has. Now homeowners have to bear the burden. It's the price of keeping our environment clean."

for some of the unused excess capacity, she said. Beardsley added that most parcels do have some excess included in their current wastewater flow allocations.

In addition, an owner of more than one parcel can apply to transfer some flow allocation from one property to another provided it doesn't exceed Title V limits. Both parcels must be held in common ownership.

These changes have given the Snug Harbor property owners the flexibility they wanted, Beardsley said.

Washington St. resident and former selectmen Ruth Rowley questioned sections of the new regulations saying they were not valid because they didn't conform to Title V.

"Title V is the only standard. These sections cannot be adopted," said Rowley.

She proposed amendments to the regulations that she said provided "a more accurate and simpler way to calculate" how a property owner could pay for any increased wastewater flow.

Beardsley said the new rules do conform with Title V.

"It is fully consistent with Title V," she said.

On the advice of town counsel, selectmen did not adopt Rowley's changes. Town Counsel Robert Troy said that a team, which included Rowley, had been working for years on the revised regulations and to try to delete and amend them now would be "unfair."

He said there were various ways to calculate charges for the unallocated excess capacity, but the way in the regulations would work well.

"All the law requires is that you have a system that is fair and equitable and we have done that," said Troy. "I am satisfied that it is legal. It's unfair to take something we got this afternoon and try to

integrate it."

The team that worked on the regulations included Troy, Rowley, Martecchini, MacDonald, Beardsley, Health Agent Jennifer Dalrymple, and Town Manager Rocco Longo.

Selectmen voted unanimously to accept the new regulations. Property owners interested in applying for increased wastewater flow can see Director of Inspectional Services Richard MacDonald.

In other business, selectmen:

- Approved the installation of a new stop sign on Bay Farm Road northbound at the intersection of Woodridge Road. The Highway Safety Committee recommended the sign.

- Tabled action that would prohibit leaving parked cars unattended on the gravel turnout on the south side of Route 14 (Congress St.) above the cranberry bog near the roundabout. The Highway Safety Committee recommended this change to the traffic rules to eliminate the practice of leaving cars that are for sale in this area, which is owned by the town. People have complained to the committee that the area sometimes looks like a used-car lot when there are two or three cars left there with for sale signs on them. Selectmen supported the new rule but before they made the change they wanted to make sure that the area is not used as a parking place for those who walk the bogs. Town Manager Rocco Longo promised he would provide selectmen with the necessary information about this area by the next meeting.

- Accepted the resignation of Michael Vidette Jr. from the Council on Aging.

- Accepted the resignation of Beth MacLeod from the Duxbury Cultural Council.